

# Engagement Phase

## Chapter 04

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*Current as of February 2022*

# Engagement Phase

## You are here

If a resource company wants to access private land, they will make contact with the landholder directly – usually by phone followed by a ‘meet and greet’.

Best practice by industry involves introductory discussions with a landholder to:

- Explain the planned project and what they want to do on the property – this could be petroleum and gas exploration, production, pipeline construction or installation of groundwater monitoring bores
- Understand the landholder’s biosecurity plan, property plan and long-term business plans
- Discuss the way the company intends to access the property and work through necessary constraints that the landholder may have
- Encourage landholder participation in any preliminary scouting activities.

Following initial discussions, the resource company will provide the landholder with a written entry notice at least 10 business days before it can carry out any activities on private land.

### CLASSIFICATION OF ACTIVITIES

Some resource company activities are classified as preliminary because they have minimal impact on landholders. These are sometimes called ‘scouting’ or ‘surveying’ and include walking the area, taking soil samples or survey pegging. Preliminary activities require an entry notice only.

Higher impact activities, such as construction of infrastructure, are classified as advanced and require a legal agreement with the landholder – usually a CCA.



### LANDHOLDER TIP:

You should be prepared to discuss:

- Property Map
- Property Business Plan (at least 5-10 year plan)
- Property Biosecurity Management Plan.

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# Why resource companies access private land

**With over 90% of Queensland under freehold or leasehold tenure, resource companies need to access private land to explore for and produce gas to help meet our energy needs.**

Land access is needed to carry out exploration and production activities, as well as to construct the associated infrastructure such as well pads, roads, pipelines and monitoring stations.

The main gas field development activities on private land are:

- **EXPLORATION**
- **PRODUCTION**
- **PIPELINES**
- **WATER MONITORING BORES.**

A property may be subject to just one or any combination of all of the above types depending on the scale of the development.

Each type of development could require the resource company to conduct activities categorised as:

- **PRELIMINARY ACTIVITIES**
- **ADVANCED ACTIVITIES.**

## TECHNICAL NOTE: EXPLORATION

The Geological Survey of Queensland collates and distributes geoscience data and information on the State's resource potential. This information can highlight areas in Queensland that are made up of certain geological formations that can potentially contain petroleum and gas reserves.

The government releases potentially viable areas of land and provides authority for companies to further explore these areas and confirm if/how much petroleum and gas can be produced.

Once given the required authority, explorers further examine the local geology and undertake activities such as seismic surveys and drilling.

### SEISMIC SURVEYS

Trucks emit sound vibrations from the earth's surface and measure the time taken for the sound waves to reflect signals back from geological formations underground.

These measurements produce an image of what's underground, indicating rock density and the likely presence of petroleum and gas reservoirs.

### DRILLING

Informed by seismic images, exploration and appraisal wells are drilled to further confirm what's underground. Core samples and rock cuttings that are brought to the surface from drilling are examined to determine the physical properties of the underground reservoirs.

Explorers also lower specialised logging equipment into the well for more information.

Exploration wells confirm the presence of petroleum and gas. Appraisal wells assess the flow rates to confirm that petroleum and gas can be extracted in commercial quantities.



## TECHNICAL NOTE: PIPELINES

Pipelines are fundamental to the development of a petroleum and gas project. Pipelines are normally constructed and operated as an authorised activity of an existing petroleum tenure, e.g. an ATP or PL, alternatively, under a PPL.

Gathering lines which are low pressure polyethylene pipe networks that connect individual wells to compression facilities are typically constructed as an authorised activity of a PL. These types of pipelines do not require the resource company to negotiate an easement.

Gas and water pipelines can also be constructed as an authorised activity under a PPL. Once a resource company applies for, and is granted a PPL, the resource company then needs to negotiate with private landholders to secure "pipeline land".

Pipeline land is land that the company has either:

- **Purchased and now owns;**
- **Negotiated and secured an easement over; or**
- **Obtained a written agreement with the landowner to enter, construct and operate a pipeline.**

Where a resource company negotiates access and or establishes an easement over private land, the company will need to compensate the landowner during the period of construction and operation of the pipeline, typically via a CCA.



# Preliminary activities

Preliminary activities are defined on the basis that they have no impact or only a minor impact on the land use or business activities of a landholder.

While classified as low impact, early discussion around these types of activities provide opportunities for building the relationship between a landholder and resource company through its field-based representatives.

Preliminary activities are also sometimes referred to as 'scouting' or 'surveying' and are generally associated with exploration. These may include:

- Walking the area of the designated resource authority
- Driving along an existing road or track in the area
- Taking soil or water samples
- Geophysical surveying not involving site preparation
- Aerial, electrical or environmental surveying
- Survey pegging.

However, the above are not considered preliminary activities if they are carried out on:

- Land that is being used for intensive farming
- Broadacre agriculture that is less than 100 ha in size
- Organic farms.

The preliminary meeting between the landholder and the resource company may also identify greater impacts of the proposed activities. In these cases, the resource company can work with the landholder to find ways to minimise the impacts of their activities or reclassify them as advanced activities.

In 2021 a number of Western Downs landholders raised concerns to the GasFields Commission about the processes and potential impacts of directional drilling activities under their properties. In response to these concerns and to clarify the existing regulatory framework, the Department of Resources has released a 'Directional Drilling' fact sheet that sets out the "regulatory requirements for resource authority holders to access private land to carry out directional drilling activities on adjacent land, and the landholder rights that would apply in that scenario".

Importantly, the fact sheet outlines clear expectations of authority holders to engage early and openly with landholders around resource activities, whilst seeking to understand the impacts these directional drilling activities may have on landholders' businesses. For more information visit: [www.gfcq.org.au/directional-drilling-fact-sheet/](http://www.gfcq.org.au/directional-drilling-fact-sheet/)

# Advanced activities

Advanced activities by a resource company are assessed as having direct impacts on a landholder's business and land use activities.

This can occur during exploration, production, laying of pipeline or other gas related activity such as the drilling of water monitoring bores.

Advanced activities that could be undertaken by a resource company include:

- Constructing drilling pads and digging sumps
- Drilling of petroleum and gas wells
- Removal of vegetation
- Construction of temporary camp for workers, concrete pad, sewage/water treatment facility or fuel dump
- Geophysical surveying with physical clearing
- Construction of water treatment facilities or gas compression facilities
- Construction of a track or access road
- Changing a fence line.

A CCA (details of which are outlined in [Chapter 5 – Land Access Agreements](#)), is required to be in place before a resource company can undertake advanced activities on the property. Other options are available, including Deferral and Opt-out agreements (see [Chapter 5](#) for more information).

A CCA is an important contract and its purpose is to clearly state each party's obligations and provide the protections necessary to support the ongoing business relationship.



# First steps towards a positive working relationship

If a resource company wants to access private land – whether for exploration, production or related infrastructure – the first thing to know is that they can't begin without notifying the landholder.

Observing best practice, the resource company should request an introductory preliminary meeting with the landholder, preferably convened on the property and at a time convenient to the landholder (and/or family members).

Contact is likely to be initiated by the company's land access liaison officer – increasingly, someone with strong local knowledge and contacts. This meeting helps to set the tone for subsequent activities, negotiations and the start of a productive working relationship.

**Experience tells us that landholders who 'front-load' their involvement are well placed for future negotiations. Every piece of relevant information and feedback delivered early plays a role in shaping subsequent actions, activities and the long-term relationship.**

The introductory meeting should focus on learning about each other's interests and potential logistical and 'amenity' challenges. In most cases, a landholder's property is also home and that is a major consideration for new activities and routines.

**Never lose sight of the fact that this could be the start of a long-term relationship – it helps to start with a positive attitude.**



# Preliminary meetings with resource companies

When a resource company is seeking access to your land they will:

**01** Explain their planned activities and the type of infrastructure they would like to construct.

**02** Obtain a copy of the landholder's biosecurity management plan.

**03** Seek to understand the landholder's property plan and long term business plans.

**04** Discuss the best way to access the property and work through any landholder constraints.

**05** Seek to understand any time constraints the landholder may have prior to scheduling any 'scouting' or 'surveying' activities.

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## LANDHOLDER TIP – THIS IS YOUR OPPORTUNITY TO:

- Ask about the proposed infrastructure the resource company would like to construct on your land
- Understand how the resource company will approach the construction and what they expect from you
- Discuss your property map
- Discuss your business plan (at least 5-10 year plan)
- Discuss your biosecurity management plan with the resource company, particularly to identify appropriate points of entry and any other requirements for, or constraints to access
- Discuss potential locations for infrastructure to assist the resource company in identifying possible locations for wells, gathering lines and other infrastructure
- Discuss potential dates for the resource company to conduct preliminary activities to assist them in scheduling the work at an appropriate time.

**PROFESSIONAL SERVICES ARE NOT USUALLY REQUIRED AT THIS EARLY STAGE – IF YOU CHOOSE TO OBTAIN PROFESSIONAL ADVICE THE RESOURCE COMPANY IS NOT REQUIRED TO PAY ANY COSTS YOU INCUR**

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# The entry notice

Following the preliminary meetings, land access generally begins with an entry notice detailing the nature of the activities the resource company wishes to conduct on the property.

The entry notice is an important step in allowing – within defined limits – physical access to your land by a resource company.

The impact of the activities covered by the entry notice on your daily routine will be largely determined by the extent and quality of the information offered and exchanged during your preliminary meetings with the resource company.

As a result of those discussions, the entry notice should hold no surprises when it arrives. Remember, this is a procedural step. It does not constitute a formal agreement.

The entry notice must be in the hands of the landholder at least 10 business days before the resource company's nominated date of entry to the property (usually agreed in advance). The entry notice confirms the resource company will undertake *prescribed activities within a designated area of land* subject to strict conditions.

## THE ENTRY NOTICE MUST DETAIL:

- The land proposed to be entered
- The period during which the land is to be occupied
- The activities proposed to be carried out on the land
- When and where the activities will be carried out
- The petroleum resource authority holder's contact details or those of their representative.

## INITIAL ENTRY NOTICE SHOULD ALSO INCLUDE COPIES OF:

- The petroleum resource authority (issued by DOR)
- The relevant Environmental Authority (EA) issued by DES
- The Land Access Code (DOR)
- A Guide to Land Access Queensland (DOR)
- Any other supporting code or code of practice applying to activities proposed in the notice.

### ENTRY NOTICE FOR PRIVATE LAND

[https://www.resources.qld.gov.au/\\_data/assets/pdf\\_file/0018/441711/entry-notice-form-01.pdf](https://www.resources.qld.gov.au/_data/assets/pdf_file/0018/441711/entry-notice-form-01.pdf)

### PRELIMINARY ACTIVITY REQUIREMENTS

<https://www.business.qld.gov.au/industries/mining-energy-water/resources/landholders/accessing-private-land/preliminary>

**Entry notice for private land**

This template is produced by the Queensland Department of Natural Resources and Mines to assist resource authority holders with a standard notice that is required prior to entry on land to undertake activities on the resource authority. This is a template form and is not an approved form. The resource authority holder is required to provide an appropriate notice prior to entry and comply with the requirements of Chapter 3 (Land Access) of the Mineral and Energy Resources (Common Provisions) Act 2014.

**Part A**

**Resource authority Details:**

**Registered holders of the authority:**

Name	Address

**Additional Contact Details:** For further details regarding this notice, please contact this person via the details provided below

Name:

Company:

Address:

Town/City:

Country:

Mobile no.:

Email:

State:

Postcode:

Phone no.:

Fax no.:

**Name of Landowner or occupier:**

Address:

Town/City:

State:

Postcode:

Mres-01 Version 3 - September 2016

# Case study

## A WORKING PARTNERSHIP

Senex Energy is exploring for natural gas in coal seams near Injune.

For one of the company's recent programs, detailed planning showed an "appraisal" well would be required on each of four properties to confirm gas could be produced in commercial quantities.

Senex contacted those landholders to explain the initial concept and begin a process of consulting the owners on how exploration could take place with minimal interference.

Landholders were consulted about the location of drilling sites, including the selection of suitable access tracks and weed control measures.

In each case, the parties agreed the design of the plan and negotiated a CCA.

Activity began on the ground from mid-2018. Each well was drilled, made secure and work begun to restore sites to their original condition in an average of 10 days.

Senex will continue to monitor the restoration work with landholders to ensure it is successful.

## RIGHTS & OBLIGATIONS TO ACCESS PRIVATE LAND

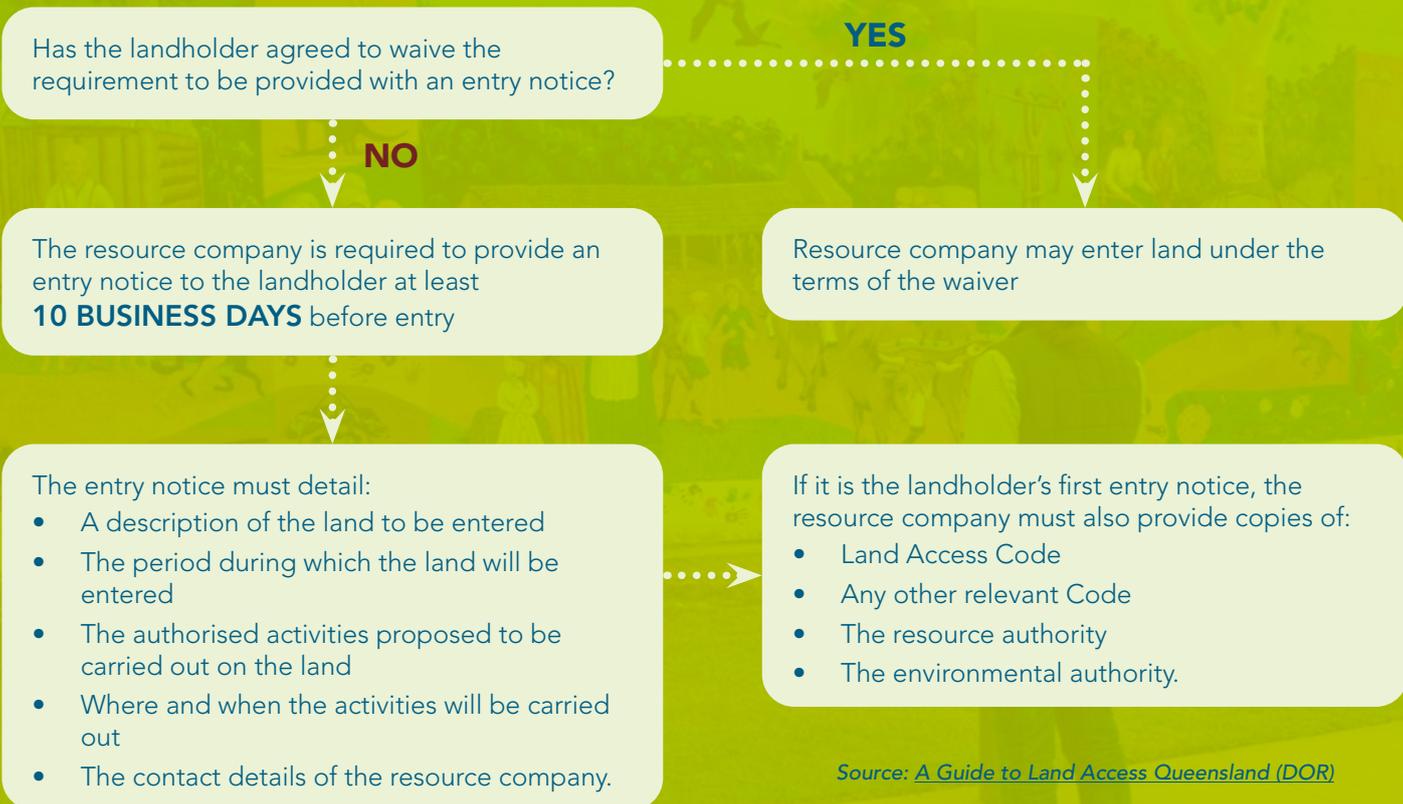
### RESOURCE COMPANIES:

- Have the right to enter private land only if they have provided a valid entry notice to each landholder and/or lessee
- Can only conduct preliminary activities that are listed on the entry notice
- Have no obligation to enter into a CCA, Deferral Agreement or Opt-Out Agreement for preliminary activities conducted under a valid entry notice (see [Chapter 5](#) for more information)
- Are obligated to comply with the Land Access Code
- Are obligated to comply when restricted land framework remains (meaning the requirement for written consent of the landholder remains despite the giving of a valid entry notice).

### LANDHOLDERS:

- Have the right to receive a valid entry notice at least ten (10) business days prior to entry
- Have no right to object to the valid entry for the purposes of undertaking activities authorised by the resource authority
- Right to consent to entry to areas of restricted land is not limited by the receiving of a valid entry notice.

Source: [A Guide to Land Access Queensland \(DOR\)](#)



## CAN I ALLOW THE COMPANY ENTRY BEFORE THE 10 DAYS HAVE PASSED?

A landholder can choose to drop the ten (10) business day notification period by giving the resource company a written waiver for the entry notice.

To grant a waiver of entry notice, the landholder must sign the entry notice and include updated details for the period of entry. It must also include a statement that the landholder has received confirmation from the resource company that they are not required to give a waiver of entry notice.

A decision to grant a waiver of entry notice rests solely with the landholder and it cannot be withdrawn during the period of entry stated on the waiver.

## AM I REQUIRED TO PROVIDE CONSENT FOR THE COMPANY TO ENTER MY PROPERTY?

Landholder consent is not required if a resource company issues a valid entry notice. After a 10 business day waiting period, the company can access the identified land and begin preliminary activities authorised by its petroleum resource authority.

## IS AN ENTRY NOTICE ALWAYS REQUIRED?

There are some exemptions from the requirement for a resource company to provide an entry notice. In addition to the landholder's waiver option above, an entry notice is not required when:

- A landholder and resource company have entered into an Access Agreement (for example a CCA – see [Chapter 5 – Land Access Agreements](#)) that provides for alternative obligations
- A landholder and resource company have entered into an Opt-Out Agreement (see [Chapter 5](#))
- A resource company has an independent legal right of entry (such as a contractual right of entry)
- Entry is to preserve life or property, or prevent or stop an emergency
- Entry is otherwise authorised under a Resource Act – e.g. where an easement has been agreed, or other written permission has been given in relation to a pipeline licence.



# Entry report following entry to private land

After a resource company enters private land to carry out authorised activities, it must provide the landholder an entry report. The report must state whether any activities were carried out on the land, and if they were, the nature and extent of those activities and where they were undertaken. For more information, see DOR's [A Guide to Land Access in Queensland](#).

The resource company must give the entry report to each landholder either:

- 3 months after the period stated in the entry notice
- 6 months after the waiver notice was given if the resource authority is an exploration resource authority
- 12 months after the waiver was given for a production resource authority.

## CHANGE OF OWNER/OCCUPIER OF PRIVATE LAND

If there is a change in landholder after an entry notice is issued, the entry notice and any waiver notice carry over to each new landholder, providing the resource company gives each new landholder a copy of the entry notice and/or the waiver notice within 15 business days of becoming aware of the new landholder.

**LANDHOLDER TIP – ALL QUEENSLANDERS HAVE A 'GENERAL BIOSECURITY OBLIGATION' UNDER QUEENSLAND'S *BIOSECURITY ACT 2014*. REGARDLESS OF RESOURCE ACTIVITY IN YOUR LOCAL AREA, LANDHOLDERS SHOULD HAVE A BIOSECURITY MANAGEMENT PLAN, WHICH MAY INCLUDE:**

- An on-farm biosecurity plan to protect their day-to-day business operations from threats posed by invasive weeds – this should be in addition to the tenure holder's biosecurity plan
- Existing biosecurity measures and management controls for each known infestation and risk area
- A biosecurity risk assessment for each known infestation and risk area that includes the risk of spread
- Conduct guidelines for high-risk visitors to the property including interstate and overseas visitors
- Biosecurity signage at all property access points and an at-risk gate register to record time and date of anyone who enters the property
- Clean-down procedures and a clean-down area for visitors to reduce the risk of vehicles and equipment spreading weed seed and diseases
- A soil erosion management strategy including the management of dormant seeds and practices for disturbed soils and wet weather access
- A chemical usage record that documents the location, date and withholding period of any chemicals used to control biosecurity matter on the property
- Procedures for the safe storage of any chemicals, batteries and equipment on the property
- Details of fenced off areas that restrict livestock access and minimise the risk of livestock being exposed to chemicals, rubbish and food scraps
- Rubbish removal procedures to contain and manage discarded materials and high-risk food scraps such as meat derived products
- Checks to ensure incoming materials such as gravel and sand are certified as pest and weed free.

**BY SHARING YOUR BIOSECURITY MANAGEMENT PLAN WITH RESOURCE COMPANIES AND CONTRACTORS, YOU CAN DISCUSS WAYS TO WORK TOGETHER TO MINIMISE BIOSECURITY RISKS ON THE PROPERTY.**

# Restricted land protections

Queensland maintains a consistent '[restricted land framework](#)' for resource authorities.

The framework supports landholders when a resource company wants to undertake authorised activities on or below the surface of land near homes, businesses and certain key agricultural infrastructure. A resource company cannot enter land within an area classed as restricted without the written consent of the landholder. There is no obligation for a landholder to allow a resource company to enter restricted land.

Restricted land is the area within **200 metres** of:

- A permanent building used for the purpose of a residence, business, childcare centre, hospital, library or place of worship
- A permanent building used for a community, sporting or recreational purpose
- An area used as a school, or for 'environmentally relevant activities' such as aquaculture, intensive animal feedlotting, pig keeping or poultry farming.

Restricted land is also the area within **50 metres** of:

- An artesian well, bore, dam or water storage facility
- A principal stockyard
- A cemetery or burial place
- Other resource authority types (e.g. water monitoring authorities, survey licences and data monitoring agencies).

Specific details of restricted land areas, along with resource company exemptions, can be found in DOR's [A Guide to Land Access in Queensland](#).

## RIGHTS & OBLIGATIONS

### RESOURCE COMPANIES:

- Must not enter areas of restricted land without the written consent of the landholder
- May seek to negotiate access to restricted land as part of CCA negotiations with the landholder.

### LANDHOLDERS:

- Have the right to say "No" to a resource company seeking to enter restricted land
- Have no obligation to negotiate access to restricted land as part of CCA negotiations
- Landholders cannot establish new areas of restricted land following the lodgement of an application for a production authority over the land.

Source: [A Guide to Land Access Queensland \(DOR\)](#)

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### LANDHOLDER TIP:

Minimising the impacts of a resource company's advanced activities is a realistic but challenging goal. The Queensland Land Access Code provides advice on best practice communication, consultation and negotiation. Establishing and maintaining an effective working relationship can come down to the simplest thing – like having a 'go-to' contact at the resource company, especially someone experienced with the local region and landholders.

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# Land Access Code

The [Land Access Code \(2016\)](#) is a key component of Queensland's land access laws. The Land Access Code contains both best practice guidelines for establishing and fostering [good relations](#) between resource companies and landholders, as well as [mandatory conditions](#) concerning the conduct of resource companies when undertaking authorised activities on private land. Resource companies must comply with the Land Access Code when within the area of their resource authority, as well as when using private land to access the area of their resource authority ([access land](#)).

The mandatory conditions of conduct for resource companies set out in the Land Access Code cover issues such as:

- Induction training of staff and contractors
- Land access points, roads and tracks
- Livestock and property
- Weeds and pests (biosecurity)
- Worker camps (construction and operation)
- Items brought onto land
- Gates, grids and fences.

## LAND ACCESS CODE – GENERAL PRINCIPLES OF 'GOOD RELATIONS'

### RESOURCE COMPANIES:

- Be respectful of landholders and actively engage and liaise with landholders in good faith
- Use reasonable endeavours to consult with landholders about access, planned authorised activities and compensation
- Negotiate in good faith during an open and transparent negotiation process with landholders
- Ensure timely responses to landholder enquiries and regard as confidential any information obtained about the landholder's operations
- Provide regular operational updates to landholders that are aligned with the level of activity
- Advise the landholder of any significant changes to operations or timing
- Avoid unreasonable interference with the landholder's use of their property
- Rectify, without undue delay, any damage caused by the authorised activities
- Meet all legal obligations, including the mandatory conditions of the Land Access Code.

### LANDHOLDERS:

- Be respectful of resource company rights and provide responses to requests or notices with minimum delay
- Engage with resource companies in good faith to negotiate agreements regarding access, land use and compensation
- Do not obstruct a resource company from entering or crossing their land to carry out authorised activities, if all legal obligations have been met
- Advise the resource company of any significant changes to operations or management programs
- Be responsible for all landholder activities, requests and actions undertaken on the property by landholder's employees and contractors
- Negotiate in good faith during an open and transparent negotiation process with resource companies.

Source: [Land Access Code \(2016\)](#)